

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Industrial Policy and Promotion)

ORDER

New Delhi, the 30th October, 2009

S.O. 2749(E).—In exercise of the powers conferred by section 14 of the Bureau of Indian Standards Act, 1986 (63 of 1986), the Central Government, after consulting the Bureau of Indian Standards, in the Public interest, hereby makes the following Order, namely:-

1. **Short title and commencement** - (1) This order may be called the Ductile Iron Pressure Pipes and Fittings (Quality Control) Order, 2009.

(2) It shall come into force with effect from the 1st day of March, 2010.

2. **Definitions** – In this Order, unless the context otherwise requires –

(a) "Act" means the Bureau of Indian Standards Act, 1986 (63 of 1986);

(b) "appropriate authority" means –

(i) Directors or Commissioners of Industries of a State Governments or Union territories;

(ii) an officer not below the rank of an Under Secretary in the Department of Industrial Policy and Promotion, Government of India; or

(iii) General Managers, District Industries Centre of a State Government;

(c) "Bureau" means the Bureau of Indian Standards;

(d) "dealer in relation to Ductile Iron Pressure Pipes and Fittings" means a person who, or a firm or a Hindu undivided family or a company or a cooperative society, which, carries on, directly or otherwise, the business of buying, selling, supplying or distributing any such Ductile Iron Pressure Pipes and Fittings whether in cash or for deferred payment or for commission, remuneration or other valuable consideration;

(e) "Ductile Iron Pressure Pipes and Fittings" means the items specified in column (2) of the Schedule;

(f) "manufacturer in relation to Ductile Iron Pressure Pipes and Fittings" means a person who or firm or a Hindu undivided family or a company or a cooperative society, which produces, makes, assembles or manufactures Ductile Iron Pressure Pipes and Fittings and includes a person who, or a firm or Hindu undivided family or a company or a cooperative society, which claims such Ductile Iron Pressure Pipes and Fittings to be produced, made, assembled or manufactured by such person or a firm or a Hindu undivided family or a company or a cooperative society, as the case may be;

(g) "Schedule" means the Schedule annexed to this Order;

(h) **"Specified Standard** in relation to Ductile Iron Pressure Pipes and Fittings" means the standard as specified in the corresponding entry in column (1) of the Schedule,

(i) **"State Government** in relation to a Union territory" means the Administration thereof; and

(j) all other words and expressions used herein and not defined in this Order shall have the meanings respectively assigned to them under the Act.

3. Prohibition regarding manufacture, storage, sale and distribution etc. –

(1) No person shall by himself or through any person on his behalf manufacture or store for sale, sell or distribute Ductile Iron Pressure Pipes and Fittings which do not conform to the specified standard and do not bear Standard Mark of the Bureau on obtaining certification marks licence:

Provided that nothing in this Order shall apply in relation to manufacture of Ductile Iron Pressure Pipes and Fittings meant for export, which conform to any specification required by the foreign buyer and such specification shall not in any case be less than the specified standard.

(2) The sub-standard or defective Ductile Iron Pressure Pipes and Fittings, which do not conform to the specified standard shall be deformed by the manufacturer beyond use and disposed off as scrap within three months.

4. Obligation for Certification - (1) All manufacturers of Ductile Iron Pressure Pipes and Fittings shall make an application to the Bureau for obtaining licence for use of the Standard Mark, within forty-five days of the issue of this Order, if not already obtained.

(2) The grant of licence by the Bureau for use of the Standard Mark shall be as per the provisions of the Act and rules and regulations made thereunder.

(3) When any person by himself or through any person on his behalf proposes to manufacture Ductile Iron Pressure Pipes and Fittings, he shall commence regular production only after obtaining a valid licence from Bureau for the use of Standard Mark.

(4) Consequent to the expiry of any licence or cancellation thereof by the Bureau for one or more of the Ductile Iron Pressure Pipes and Fittings, the appropriate authority shall also be informed of the same by the Bureau.

5. Power to call for information, etc. – (1) The appropriate authority may, with a view to securing compliance with this Order –

- (a) require any person engaged in the manufacture, storage for sale, sale or distribution of any Ductile Iron Pressure Pipes and Fittings to give such information as he or she deems necessary relating to the manufacture, storage for sale, sale or distribution of any Ductile Iron Pressure Pipes and Fittings for the implementation of this Order or require any such person to furnish to him samples of any such Ductile Iron Pressure Pipes and Fittings;

- (b) inspect or cause to be inspected any books or other documents and other Ductile Iron Pressure Pipes and Fittings or the components of any such Ductile Iron Pressure Pipes and Fittings kept by or belonging to or in the possession or under the control of any person engaged in the manufacture, storage for sale, sale or distribution of any such Ductile Iron Pressure Pipes and Fittings;
- (c) enter and search any premises and seize Ductile Iron Pressure Pipes and Fittings in respect of which it has reason to believe that a contravention of this Order has been committed or the said Ductile Iron Pressure Pipes and Fittings are not of the specified standard.
- (2) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, so far as may, be applied to searches and seizures for the purpose of provision referred to in sub-section (1).
6. **Testing of samples.** – Samples of any Ductile Iron Pressure Pipes and Fittings bearing the Standard Mark and drawn by the Appropriate Authority, for ascertaining whether they are of the specified standard, shall be tested in the laboratory approved by the Bureau and in such manner as may be determined by the Bureau.
7. **Power to issue direction to manufacturers and dealers.** – The appropriate authority may issue such directions to manufacturers and dealers, consistent with the provisions of the Act or this Order, as may be necessary for carrying out the purposes of this Order.
8. **Compliance of directions.** – Every person engaged in the manufacture, storage for sale, sale or distribution of any Ductile Iron Pressure Pipes and Fittings to whom any direction is issued under this Order, shall comply with such direction.
9. **Obligation to furnish information.** – No manufacturer or dealer shall with intent to evade the provisions of this Order, refuse to give any information lawfully demanded from him under clause 5 or conceal, destroy, mutilate or deface any books or documents or any Ductile Iron Pressure Pipes and Fittings kept by, or in the possession or control of, such person.

SCHEDULE
(See clause 2(d))

Indian Standard Number	Title
(1)	(2)
IS 8329	Centrifugally Cast (Spun) Ductile Iron Pressure Pipes for Water, Gas and Sewage.
IS 9523	Ductile Iron Fittings for Pressure Pipes for water, gas and sewage.

[F. No. 14(37)/2004-LEI]

ANJALI PRASAD, Jt. Secy.